File No. 557-08

1908-9

Serial Nos. 1-2

S.H.A

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1—1

Part B. for August 1909

SUBJECT.

Directing that ordinary casual leave rules be applied to men in temporary Service also.

From the Comptroller, No. 7277/R.401 & 10 6/0. explains the necessity for an authoritative decision as regards the grant of casual leave to men in temporary Service and solicits a ruling in the matter.

To the Comptroller No. H 13178 28 8/09

Directs that ordinary Casual leaves rules be applied to men in temporary Service

The mil cattle
said shall
been put
with the

G.R.S. 11]

1908. 09.

GENERAL AND REVENUE SECRETARIAT.

(Sta)

NOTES.

File No. 557-C

FILE HEADING.

Casual leave to men on temporary Service

From

The Comptroller

No. 7277 / R 401 Dated 10-6-09 Received 11-6-09

Diary No. 4595	Enclos. —	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Explains the necessity for an authoritative decision as regards the grant of casual leave to men in temporary Service and solicits a ruling in the matter

NOTES AND ORDERS.

1) The question of limit of casual leave to be granted in each calendar year and at a time is pending in Council. This may also be subd for consideration along with Subd

17/6/09.

NOTES—First sheet.

G. R. S. 12]
General and Revenue Secretariat.

File No. 557 of 1908

Serial No.

Please put up papers relating to the insertion of Casual leave rules as Section ii of Chapter xii. The complr wants to know if it was the intention of Govt to give the benefit of the said rules to temporary men & it is necessary to refer to the connected papers to see if there throws any light regarding the intention of Govt on the point raised by the Compltr.

Sd/-
6/8/08

Papers relating to the insertion of casual leave rules in the Regulations are not available. (Vide notes of the Gl Records). The first edition of the Regulns was compiled by the Comptroller in 1891. Prior to it, the Civil Leave Code of the Fl Deptt G. was in force. "Casual leave" being outside the code (Vide note under" art. 16 C.L. code VI^th ed^n) was being regulated by standing orders of Govt passed from time to time. These are

(i) Gl circular No. 12 dt 13-3-73
(ii) G.O No 5063-107 dt 6-12-84

Serial No.

(VII) G.O No 6230-cir 134 d 4/2/85
(IX) G.O No 7140-V cir 200 d 5/2/89

These orders do not clearly show if they are applicable to temporary men. However as in these orders the grant of casual leave exceeding three days is subject to the condition that no privilege leave is due to the officer and as privilege leave is allowable to temporary service it may be inferred that the intention of Govt was not against the grant of casual leave to temporary men and that not referring to casual leave in clause (a) of art: 159 HR is an omission

Subn.

DWZ
24/6 of Mch

Officers often find it necessary to absent themselves from duty for a day or 2 at a time, to attend to private business or for other reasons and some consideration is called for on such occasions. Occasional absences of the kind have to be taken as an ordinary incident in the service of an officer and in this respect all officers whether permanent or

temporary are in the same position. It would be hard on the temporary men to be deprived of the convenience of Casual leave and made to forfeit their pay for short absences of a day or so at a time. At the same time it is right to allow officers of the kind mentioned in the last para of the Comptr's letter to avail themselves of the entire benefit of the Casual leave rules.

6 2. It is undesirable to lay down hard & fast rules to regulate the Casual leave admissible to temporary employes. They may be declared eligible for such leave and the heads of offices invested to grant such leave as the circs of each case may call for, within the maximum allowable. It seems best to leave the matter to the discretion of heads of offices.

amh
Asst Secy) 30/6/19

If the matter is left to the discretion of the head of the office with the declaration

Serial No.

that temporary employés are entitled to casual leave, the result will hardly be satisfactory. For when a temporary hand is entertained say for two months only, applies for 10 days C.L. during the period in two instalments will not the Head of office think "the rule allows him the concession why should I be hard on the poor man?". In such cases it is the better course to lay down a general rule and relieve the Head of office of the necessity of exercising discretion. A convenient working rule would be to allow temporary men one day's casual leave for each completed month of service within a calender year.

(J.C.)

& Dewan) 1/1/09

1-7

1-54 3.7.09

A draft adopting the suggestion at (A) may be put up circulated & Council's sanction

Draft 9-7-9

Draft & Add. 13/7 Final Secy)

14-7-09

GPB—50.000—18-5-08

To the Council Section 14-7-9

14

CIRCULATED TO COUNCILLORS

By Order

Secretary to Government.

15th July 1909

16/7/09 K. P. Puttanna Chetty, Esq.,
First Councillor.

Seen by the 1st Councillor

H. V. Nanjundayya, Esq., M.A., L
Second Councillor.

3
17-8-09

Seen and noted herein

G. R. S. 12]
General and Revenue Secretariat.

Sta. File No. 557 of 190 8

Serial No.

The grant of casual leave to officers in temporary ser is a matter of necessity a it may be restricted to 12 d in a year at the rate of on day for each completed mo of service. Draft may be appr

6/16/20

I have little doubt that S. 158 do not govern the provisions about Cas leave. It was inserted appare as a short form of what was requi to be taken from art. 241 of the C S Regulations, where however Casual leave is not treated of. The l miting effect of Art. 158 on the provisions about Casual leave was apparently not noticed, when the latter were transferred from the Government orders relati to Casual leave. The provns a bout Casual leave have however been all along understood (as far as my experience goes) ~~to~~ to apply to temporary officers als

Serial No.

Art. 164 says that Casual leave is not recognised (i.e. as leave at all) and is not subject to any rule.* It is meant to serve the needs of unavoidable nature and should be given to all classes of Officers. More than 5 days or 7 days including holidays cannot be taken at a time. The rules have not been abused as far as I know, and are not likely to be abused by Head of departments in the manner indicated in the Pl Sec'y's letter; and as art. 163 lays down that Casual leave can be granted only when there is no inconvenience to the Public Service it need not be apprehended that a disproportionate amount will be given by the Superior Officers. I do not consider it necessary to reduce the ~~leave~~ granted to 12 days in a year. The same limit as for other Officers may be observed for temporary men also. I am therefore not in favour of any addition or alteration, except (if considered necessary) to remove a doubt about the eligibility of

* I may here observe that this art. 164 is out of place in our Compilation, but is taken from a note to Art. 332 in Br. C.S. Regns, which contain no rules about Casual leave ~~the Madras Code~~ ~~has elaborately~~ ~~Madras~~ ~~Code~~ ~~Rules~~ ~~bracketed~~ in their main articles.)

G. R. S. 12]
General and Revenue Secretariat.

File No. 557

Serial No.

of temporary officers to this leave. Even this however may be done merely by replying to this reference to that effect & without any addendum to the M.C.S. Regns.

19/7/09

Dewan 16/7/09

1666/19.7.09 I am inclined to agree with the Second Commissioner's views

To Finl Branch for action

Draft.

7/8/09

Draft subd
DMR
9-8-09.

mk 9/8
Finl Secy)

mk 12-8-09

Second Commissioner) 16/8/09 mk 17-8-09

Draft approved by Secy.
16/8/09

G. R. S. 12]
General and Revenue Secretariat.

File No. 587 of 1908

Serial No.

To the Comptroller

No. FL 1317 & 27-8-09

Directing that the ordinary Casual leave rules be applied in the case of men in temporary service, also

Hex
24595
Sec. 55-08
Sno-1

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted.

No. 7277 / R 407

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 10th June 1909.

FROM

J. S. CHAKRAVARTI, ESQ., M.A., F.R.A.S., etc,.
Comptroller to the Govt. of
His Highness the Maharaja of My

I have the honor to state that a question cropped up in my office as to whether casual leave may be allowed to men in temporary service. I find that the question is not free from difficulties as the rules in the Mysore Service Regulations are not clear on the point. Article 164 of the Mysore Service Regulations says that "Casual Leave for short periods is not recognized and is not subject to any rule"; but it follows certain articles laying down rules regarding such leave and recognizing it as a kind of short leave and the insertion of the Casual Leave rules as Section I of the Chapter XII entitled "Short Leave" confirms this view.

The Rules in Chapter XII are limited in their application by Article 158 only to officers holding substantive appointment ~~in~~ in Government service. The only exception to this is that contain in clause (a) of Article 159 and the omission of any reference to Casual Leave in this Article makes such leave, inadmissible to men in temporary service if the rules are strictly applied as, I think they should.

I do not know what the intention of Government was when the Rules relating to Casual Leave were incorporated in the Mysore Service Regulations. If the intention was that such leave should be considered as inadmissible to Temporary men it should have been made clear by the insertion of the words "having a substantive appoint-ment" after the word "Officer" in Article 161 of the Mysore Service Regulations. If, on the other hand, the intention was to allow Casual Leave to Temporary men the words "Casual Leave and also" should have been introduced before the words "Privilege Leave" in Article 159(a) Mysore Service Regulations..As the practice in several offices does not appear to be uniform and as the Service Regulations are not clear on the point an authoritative decision in the matter is very desirable.

In case it is decided that that temporary men may be allowed casual leave under the rules in addition to making the changes suggested above, a working rule for granting such leave will have to be prescribed; for a man employed temporarily-say for two months-cannot evidently be given 15 days' Casual Leave during the period of his employment, nor can a substitute employed for 10 or 15 days be granted casual leave for 5 or 6 days.

I have the honor to be,

Sir,

Your most obedient servant,

V Chakravarthi

4 pages

please write before the 24/8/09
No. of copies required

160 - on
Comptroller
DT

557-09

R.S. 28]

File No.

Serial No.

Diary No. of letter replied to 4595

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

READ— Letter No. 7277 dated the
R 401
190 10th June '09 from the Comptroller
to Govt
(To be printed in extenso)

Date of issue 27 August 09

Signed by H V Thakrawarthy

ORDER THEREON.—No. R 4611/27-8-09

Casual leave is meant
to serve the needs of an un-
-avoidable nature and the
provisions regarding it have
all along been understood to
apply to temporary officers
also. As art 163 of the Myso

that casual leave can be
granted only when there is
no inconvenience to the public
service it need not be apprehended
that a disproportionate amount
of such leave will be given
by the heads of offices and
Depts. In these circumstance
Govt do not consider that
any ~~add~~ additional restrictions need be
imposed regarding the grant
of casual leave to men in
temporary service and that
that the ordinary casual leave
rules be applied in their
case also.

The words "casual leave and c.

Jun: Sec'y

The Comptroller to Govt

W.L.P.

Proceedings of the Government of His Highness the Maharaja of Mysore, Financial (Salaries and Allowances), dated 27th August 1909

READ—

Letter No. 7277—R. 401 dated the 10th June 1909, from the Comptroller to Government.

I have the honor to state that a question cropped up in my office as to whether casual leave may be allowed to men in temporary service. I find that the question is not free from difficulties as the rules in the Mysore Service Regulations are not clear on the point. Article 164 of the Mysore Service Regulations says that "Casual leave for short periods is not recognized and is not subject to any rule;" but it follows certain articles laying down rules regarding such leave and recognizing it as a kind of short leave and the insertion of the casual leave rules as Section I of the Chapter XII entitled "short leave" confirms this view.

The Rules in Chapter XII are limited in their application by Article 158 only to officers holding *substantive* appointment in Government service. The only exception to this is that contained in clause (*a*) of Article 159 and the omission of any reference to casual leave in this article makes such leave inadmissible to men in temporary service if the rules are strictly applied as, I think, they should.

I do not know what the intention of Government was when the rules relating to casual leave were incorporated in the Mysore Service Regulations. If the intention was that such leave should be considered inadmissible to temporary men, it should have been made clear by the insertion of the words "having a substantive appointment" after the word "officer" in Article 161 of the Mysore Service Regulations. If, on the other hand, the intention was to allow casual leave to temporary men, the words "casual leave and also" should have been introduced before the words "Privilege Leave" in Article 159 (*a*), Mysore Service Regulations. As the practice in several offices does not appear to be uniform and as the Service Regulations are not clear on the point, an authoritative decision in the matter is very desirable.

In case it is decided that temporary [illegible] casual leave under the rules, in addition to making the changes suggested above, a working rule for granting such leave will have to be prescribed; for a man employed temporarily, say for two months cannot evidently be given 15 days' casual leave during the period of his employment, nor can a substitute employed for 10 or 15 days be granted casual leave for 5 or 6 days.

No. FL. 1317—S. & A. 557-08-2, DATED BANGALORE, 27TH AUGUST 1909.

ORDER THEREON.—Casual Leave is meant to serve needs of an unavoidable nature, and the provisions regarding it have all along been understood to apply to temporary officers also. As Article 163 of the Mysore Service Regulations lays down that casual leave can be granted only when there is no inconvenience to the public service, it need not be apprehended that a disproportionate amount of such leave will be given by the Heads of Offices and Departments. In these circumstances, Government do not consider that any additional restrictions need be imposed regarding the grant of casual leave to men in temporary service, and direct that the ordinary casual leave rules be applied in their case also.

2. The words "Casual leave and also" should be introduced before the words "Privilege leave" in Article 159 (*a*), Mysore Service Regulations, by a corrigendum.